

INDEX

(Subject Matter)

JANUARY - JUNE 2005

ADMINISTRATIVE PROCEDURES ACT

Argument raised for first time on appeal.....	223
Breadth of regulatory scheme.....	10
Chevron deference.....	500
Cognizable claim.....	11, 27
“Color of law” ..	1
Disparate treatment, when not ..	928
Estoppel.....	253
Inappropriate argument ..	223
Injury in fact.....	500
Interlocutory appeal.....	681
Prosecutorial discretion, broad.....	928
Rule making.....	526
Standard of review.....	855
Standing.....	500
Substantial evidence, agency’s action supported by. .	855
Zone of interests ..	500

AGRICULTURAL MARKETING AGREEMENT ACT

Assessments, unpaid ..	10
Check-off – Rice, cultivated wild.....	1
De-pooling, option available to Class III handlers ..	10
Price inversion.....	10
Raisin order.....	11, 27

ANIMAL QUARANTINE ACT

Civil penalty.....	49
False declaration.....	47
Importation of processed meats ..	47

ANIMAL WELFARE ACT

Cease and desist order..... 70, 92, 159, 223, 253, 306, 365, 656
Civil penalty..... 70, 92, 159, 223, 306, 365, 656
Dealer..... 70
Effect of license revocation on respondent personally..... 365
Effect of license revocation on educational programs..... 365
Effective date of filing..... 253
Expired APHIS license..... 153
Housing, inadequate animal..... 199
Injury and death of exotic animals..... 199
Interstate movement..... 365
Lacey Act Amendments of 1981..... 365
License, operating without..... 199
License revocation..... 92, 253, 306, 365
Pro se..... 253
Retail sales..... 153
Sanction..... 92, 159, 656
Veterinary plan, lack of..... 199
Veterinary care, failure to provide adequate..... 199

CONSTITUTIONAL LAW

Due process..... 283, 580
Equal protection..... 10
First Amendment..... 1
Intrastate activity covered by AWA..... 153
Legitimate governmental interest to regulate..... 10
Regulatory taking..... 580
Targeting of suspect class, when not..... 10

EVIDENCE

Admission during teleconference..... 70
Bases for denial of motion for default..... 92, 159, 223
Criminal plea bargain by one corporate owner
not necessarily binding on other owners..... 1087
Evidence, best..... 1163, 1166
Evidence, usual and customary practice as..... 429
Evidence, affidavit as..... 429

Evidence, No present recollection as.....	429
Informant, RICO Act, via plea bargain.....	962

FEDERAL CROP INSURANCE ACT

Default.....	835
--------------	-----

HORSE PROTECTION ACT

Civil penalty	402, 436
Disqualification.	402, 436
Effective date of filing.....	402
Entry.	436
Failure or refusal to permit inspection	402
Horse protection.	436
Malicious prosecution.	436
Prohibited substances.	402
Selective prosecution.....	436
Shipping.....	436
Showing, included in bundle of activities of “Entering”is.....	423
Sore.....	436
Soring.....	395, 402

INSPECTION AND GRADING

Remand order.....	687
-------------------	-----

NATIONAL DAIRY PROMOTION AND RESEARCH BOARD

Application for interim relief.....	689
-------------------------------------	-----

ORGANIC FOOD PRODUCTION ACT

80% organic feed for nine months rule.	500
Dairy herd conversion to Organic	500
Synthetic, not-organic additives	500

PACKERS AND STOCKYARDS ACT

Appropriate cease and desist order.....	855
Civil penalty.....	855
Expiration date for cease and desist orders	855

Failure to pay when due.....	901
Funds, insufficient bank.....	876
Grading.	855
Impeding Competition.	855
Insufficient funds	901
Intent, a showing of wrongful, not necessary.	855
Payments to sellers, late.....	876
Purpose of Packers and Stockyards Act	855
Sanction.	855
Untimely settlement.....	901
Willful violation.....	876

PERISHABLE AGRICULTURAL COMMODITIES ACT

Actively involved.....	926
Bribery	962, 1111
Bribes	1133
Director, role as corporate.	928
Employee, failed to oversee principal.....	942
Exclusion of Implied Warranties.	1153, 1156
Extortion.	962
Good Delivery Standard..	1163, 1166
Intervenor, not authorized to file as.	942
License terminated	1122
Nominal involvement, when not.....	928
Ownership, greater than 10%.....	926
Partial payment.	1102
Prompt payment, failure to make.....	1122
Reparation award unpaid.	1087
Respondent superior doctrine under PACA.....	1111, 1133
Responsibly connected.	926, 942, 1087, 1102
Scamcorp rule.	1102
Tomato Suspension Agreement.	1153, 1156
Trustee in bankruptcy failed to file	942

PLANT QUARANTINE

Avocados, Mexican Hass..... 526
Mangoes..... 531
P.P.A. 526
Plant quarantine..... 531
Rule making..... 526

POULTRY PRODUCTS INSPECTION ACT

Default..... 837

RULES OF PROCEDURE

Appeal petition..... 648
Default..... 835, 837, 841, 843, 845, 847, 849, 917, 919
Default decision 70, 91, 656, 734, 756, 773, 803
Default..... . 1200, 1202, 1205, 1207, 1209, 1214, 1216
Default..... 1187, 1189, 1192, 1195, 1197
Default..... 716, 721, 728, 730
Default..... 738, 781, 784, 788, 798, 809, 813, 820
Default..... 707, 713
Dismissal with prejudice..... 11, 27
Failure to file timely answer..... 70, 91, 159, 223, 253, 306, 365, 656
Failure to file timely answer to amended complaint 402
Failure to file answer..... 49
Failure to file timely motion for extension of time 223
Failure to file timely answer..... 531
Hearing Clerk’s Office business hours..... 402
Late appeal..... 639
Late-filed petition for reconsideration..... 650
Mailbox rule..... 253
Motion for shortened time to respond..... 648
Motions entertained by Judicial Officer..... 676
Opportunity to file objections..... 667
Order vacating default decision..... 655
Order vacating decision..... 665
Petition contents..... 11, 27
Premature amended petition 27
Remand order..... 667

Waiver of right to hearing.....	49, 70
Withdrawal of appeal petition.	665

SUGAR MARKETING ALLOTMENT

Adjustment to allocation.....	580, 614
Allocation, transfer of.	694, 704
Credibility determinations	580
Judicial officer’s authority to rule statute unconstitutional.	580
New entrant status.....	614
Opened defined	580
Opened sugar beet processing factory	580
Ordinary meaning of words.	580
Permanent Termination” of operations.....	549
Pro-rata distribution of sugar marketing allocation	549
Processing capacity, lack of critical equipment for.	549
Sale of all assets.....	549, 694
Statutory construction	614
Statutory construction.....	580
Substantial quality losses on stored sugar beets.	580
Sugar Marketing allocation, transfer of	549
Sugar beets.....	580, 614
Termination of operations, permanent	694